

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 59896 of 2022

Arising Out of PS. Case No.-349 Year-2018 Thana- JAGDISHPUR District- Bhojpur

1. DHARMENDRA MUSHAR @ DHAMENDRA MUSHAR S/o Nand Kishore Mushar R/o Village- Chotki Haradiya, P.S.- Jagdishpur, Distt- Bhojpur.
2. Digan Mushar @ Vigan Mushar S/o Dinanath Mushar R/o Village- Chotki Haradiya, P.S.- Jagdishpur, Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr Navin Kumar Pandey, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 24-01-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioners seek bail in Jagdishpur Police Station (for brevity, **PS**) Case No 349 of 2018 registered for the offence punishable under Sections 147, 323, 324, 307, 379, 504 of Indian Penal Code.

Six persons, including the petitioners, have allegedly assaulted the informant and his family members. The occurrence is said to be founded on a trivial issue, as per allegation made in the First Information Report.

It is submitted that petitioners, having no antecedents, are in custody since 21.07.2022. The parties are known to each other and over a trivial dispute, free fight has ensued which is evident from the allegation itself which attributes assault by means of some articles which cannot be said to be weapons.

Learned APP has opposed the prayer for bail.



Having considered the rival submissions, manner of implication, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur at Ara in Jagdishpur PS Case No 349 of 2018 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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